

JOSHUA A. SLIKER, ESQ.  
Nevada Bar No. 12493  
**JACKSON LEWIS P.C.**  
300 S. Fourth Street, Suite 900  
Las Vegas, Nevada 89101  
Telephone: (702) 921-2460  
Email: [joshua.sliker@jacksonlewis.com](mailto:joshua.sliker@jacksonlewis.com)

*Attorneys for Defendant  
Tesla, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RICKEY OLIVER LOFTON, JR., an  
Individual,

Plaintiff,

vs.

TESLA, INC., a Delaware corporation; DOE  
INDIVIDUALS 1-10 and ROE BUSINESS OR  
GOVERNMENTAL ENTITIES 1-10,  
inclusive,

Defendants.

Case No.

**NOTICE TO FEDERAL COURT OF  
REMOVAL OF CIVIL ACTION  
FROM STATE COURT**

Pursuant to 28 U.S.C. § 1332(a), Defendant Tesla, Inc. (“Defendant”) hereby notifies the Court of the removal of *RICKEY OLIVER LOFTON, JR., an Individual v. TELS, INC., a Delaware corporation; DOE INDIVIDUALS 1-10 and ROE BUSINESS OR GOVERNMENTAL ENTITIES 1-10, inclusive*, Case No. A-23-878791-C, which was filed in the Eighth Judicial District Court in Clark County, Nevada. In support of said removal, Defendant states as follows:

1. On October 2, 2023, an action was commenced in the Eighth Judicial District Court of Clark County, Nevada, entitled *RICKEY OLIVER LOFTON, JR., an Individual v. TELS, INC., a Delaware corporation; DOE INDIVIDUALS 1-10 and ROE BUSINESS OR GOVERNMENTAL ENTITIES 1-10, inclusive*. A copy of the Complaint is attached hereto as **Exhibit 1**.

2. On October 5, 2023, Defendant was served with a copy of the Complaint and a Summons issued by the State Court on or about October 4, 2023. A copy of the Summons is attached hereto as **Exhibit 2**.

1           3.       No further proceedings have been had in this matter in the State Court.

2           4.       This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it has been  
3 filed within thirty (30) days of October 5, 2023, the first date on which Defendant received any  
4 pleadings setting forth the claims for relief upon which the civil action is based. The thirtieth day,  
5 Sunday, November 5, 2023, was a non-judicial day so this Notice is being filed on the next  
6 judicial day, Monday, November 6, 2023.

7           5.       This action is a civil action of which this Court has original jurisdiction pursuant to  
8 28 U.S.C. § 1332, diversity jurisdiction.

9           6.       Plaintiff is a citizen of the State of Nevada. **Exhibit 1**, ¶ 1.

10          7.       For the purpose of determining diversity of citizenship, a corporation is a citizen  
11 both of its state of incorporation and the state “where it has its principal place of business.” 28  
12 U.S.C. § 1332(c)(1). A corporation’s “principal place of business” is defined as “the place where  
13 the corporation’s high-level officers direct, control, and coordinate the corporation’s activities.”  
14 *3123 SMB LLC v. Horn*, 880 F.3d 461, 463 (9th Cir. 2018) (citing *Hertz Corp. v. Friend*, 559  
15 U.S. 77, 80 (2010)).

16          8.       Tesla, Inc. is incorporated in Delaware and its principal place of business is in  
17 Austin, Texas. **Exhibit 1**, ¶ 2; *see also* **Exhibit 3**.

18          9.       As such, there is now and there was at the time of the commencement of this  
19 action, complete diversity between Plaintiff and Defendant.

20          **10.** Plaintiff’s Complaint alleges six (6) causes of action for (i) breach of employment  
21 contract/agreement; (ii) wrongful termination; (iii) breach of covenant of good faith and fair  
22 dealing; (iv) conversion; (v) promissory estoppel; and (vi) unjust enrichment / quantum meruit.  
23 Plaintiff is seeking damages for wrongful termination, lost employment, lost income, lost wages,  
24 lost economic advantage, lost business opportunities, lost stocks/stock options, lost benefits, lost  
25 earning capacity, lost seniority, lost bonuses/promotions, emotional distress, mental anguish, lost  
26 sleep, headaches, stress, panic attacks, depression, anxiety and other types of emotional or  
27 physical injury, punitive damages, attorneys’ fees and costs, and prejudgment interest. Ex. 1, ¶¶  
28 31-32, 45-49, 56-60, 69-72, 80-81, and 89-92. Plaintiff’s Prayer for Relief indicates that Plaintiff

1 is seeking at least \$60,000. Ex. 1, p. 16:1-10. Plaintiff's Complaint indicates that Plaintiff is  
2 seeking an award of at least \$15,000 for each claim which totals \$90,000. *Id.* at ¶¶ 17, 31, 45, 56,  
3 61, 71, 82. In addition, Plaintiff alleges he is seeking to recover for the value of lost stock options  
4 in the amount of \$30,009.96. *Id.* at ¶¶ 30, 43, 64, 66, 75-78, 85, 88. Collectively, it appears  
5 Plaintiff is seeking to recover at least \$120,009.96 which is in excess of \$75,000.

6 11. Therefore, this Court has original jurisdiction over the subject matter of this action  
7 under the provisions of 28 U.S.C § 1332(a) in that there is complete diversity between the parties  
8 and more than \$75,000 in controversy exclusive of interest and costs. Pursuant to 28 U.S.C §  
9 1441, Defendant is therefore entitled to remove this action to this Court.

10 12. A true and correct copy of this Notice of Removal is being filed this date with the  
11 Clerk of the Eighth Judicial District Court of the State of Nevada.

12 WHEREFORE, Defendant prays that the above-referenced action now pending in the  
13 Eighth Judicial District Court of the State of Nevada in and for the County of Clark be removed  
14 therefrom to this Court.

15 Dated this 6<sup>th</sup> day of November, 2023.

16 JACKSON LEWIS P.C.

17 /s/ Joshua A. Sliker

18 Joshua A. Sliker, Bar No. 12493  
19 300 S. Fourth Street, Suite 900  
20 Las Vegas, Nevada 89101

21 *Attorneys for Defendant*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 6<sup>th</sup> day of November, 2023, I caused to be served via this Court's electronic filing system, a true and correct copy of the above foregoing **NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION FROM STATE COURT** properly addressed to the following:

Neal K. Hyman, Esq.  
Law Offices of Neal Hyman  
9480 S. Eastern Avenue, Suite 224  
Las Vegas, Nevada 89123

*Attorneys for Plaintiff*

/s/ Kelley Chandler  
Employee of Jackson Lewis P.C.

4889-7971-8798, v. 1